

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.11002 of 2017

IN CRL RC.1151/2017

V.VISHWAKUMAR,

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
W-2, ALL WOMEN POLICE STATION,
ADYAR, CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1151/2017 on the file of the High Court, the High Court will be pleased to suspend the execution of sentence and conviction dated 25.04.2016 passed in C.C.No.8064 of 2000 against the Petitioner/Appellant by the Metropolitan Magistrate at Saidapet, Chennai pending disposal of the above appeal and thus.[CRL.MP.NO.11002/2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1151/2017 on the file of the High Court and upon hearing the arguments of M/S.N.SENTHILKUMAR Advocate for the petitioner and of MR.V.ARUL ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The Criminal Revision has been filed by the petitioner/accused, who was found guilty and convicted under Section 498A and 406 IPC and under Section 4 of the Dowry Prohibition Act. Under Section 498A the accused was sentenced to simple imprisonment for a period of three years and to pay a fine of Rs.3,000/=, in default to undergo simple imprisonment for a period of 6 months and under 406 IPC, the accused was sentenced to simple imprisonment for a period of three years and under Section 4 of the Dowry Prohibition Act, the accused was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.2,000/=, in default, to undergo simple imprisonment for a period of two months, by the learned IV Metropolitan Magistrate, Saidapet, Chennai. Against the said conviction and sentence, the accused filed Criminal Appeal No.154 of 2016 before the XVI Additional Judge, City Civil Court, Chennai, wherein, the conviction and sentence passed by the trial court was confirmed. Challenging the said conviction and sentence, the petitioner has preferred the criminal revision along with the above miscellaneous petition for suspension of sentence.

2. The miscellaneous petition has been filed by the petitioner, who is the first accused. Out of three accused persons, A-2 and A-3 having died during the pendency of the trial, the charges against them stood abated. A-1, who is the husband, has filed the present criminal revision against the above said conviction and sentence.

3. Learned counsel appearing for the petitioner submits that all the jewels and other articles have already been returned by the husband/A-1, partly in the police station before the police authorities and partly before the Family Court and, in fact, the wife has obtained an order of divorce from the Family Court and the allegation of demand of dowry is totally unwarranted. Therefore, it is urged that considering the inconsistencies in the evidence, this Court may suspend the sentence imposed on the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondent.

5. Taking into consideration the submissions made by the learned counsel for petitioner and further the fact that criminal revision is not likely to be taken up for final hearing in the near future and considering the grounds of revision, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned IV Metropolitan Magistrate, Saidapet, Chennai, and on further condition that petitioner shall appear before the said Court on the first working day of every month, at 10.30 a.m., pending the criminal revision case.

7. Post the criminal revision case in the usual course.

-sd/-

10/11/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.IV, SAIDAPET,CHENNAI

2 THE XVI ADDITIONAL JUDGE
CITY CIVIL COURT,CHENNAI

3 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
W-2, ALL WOMEN POLICE STATION, ADYAR,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.N.SENTHILKUMAR Advocate on payment of necessary
charges SR.NO. 20723

Order

in
CRL MP.11002/2017

in
CRL RC.1151/2017

Date :10/11/2017

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RD 14/11/2017